

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

CLEVELAND HANKERSON,

Petitioner,

VS.

UNITED STATES OF AMERICA,

Respondent.

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NO. 5:13-cv-00312-MTT-CHW

ORDER ON MOTION

Currently before the Court is Petitioner Cleveland Hankerson's motion for reconsideration. Petitioner requests that the Court "re-visit" its September 4, 2013, Order dismissing his habeas petition. Petitioner originally filed an application for habeas relief in this Court citing 28 U.S.C. § 2255, but his pleading was construed as one filed under 28 U.S.C. 2241 (via the savings clause in 28 U.S.C. § 2255(e)). The petition was then dismissed without prejudice because it was improperly filed in this Court and the interest of justice would not have been served by a transfer of the case to the appropriate venue. See 28 U.S.C. § 1631. Petitioner was, however, advised to recast his petition on the appropriate form and refile in the federal district in which he was confined.

In the present motion, Petitioner restates his prior argument for a reduction in his federal sentence.¹ He has provided no grounds for reconsideration or explained why this case should otherwise be reopened, see Fed. R. Civ. Pro. 60. Petitioner's present

¹ Petitioner contends that the United Supreme Court decision in *Descamps v. United States*, ___ U.S. ___, 133 S.Ct. 2276, 186 L.Ed.2d 438 (2013) requires a recalculation, and possible reduction, of his federal sentence.

“Motion to Re-visit” (Doc. 6) is accordingly **DENIED**.

If Petitioner wishes to pursue relief under 28 U.S.C. § 2241, he needs to file an appropriate pleading in the U.S. District Court for the Northern District of Georgia. If Petitioner wishes to again challenge the validity of his conviction or sentence under 28 U.S.C. § 2255, the motion must be filed in his federal criminal case, 5:91-CR-0010-CAR-CHW.²

SO ORDERED, this 30th day of September, 2014.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT

jlr

² Because Petitioner has already filed a motion to vacate, under 28 U.S.C. § 2255, in his criminal case, he will need to first seek leave, in the Eleventh Circuit Court of Appeals, to file a second or successive habeas petition. See 28 U.S.C. § 2244(b)(3).